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MITIGATED NEGATIVE DECLARATION

Date of Publication of Preliminary Mitigated Negative Declaration: February 28, 2004, Amended May 6, 2004

Lead Agency: Planning Department, City and County of San Francisco
1660 Mission Street, San Francisco, CA 94103

Agency Contact Person: Nannie Turrell

Telephone: (415) 558-5994

Project Title: 2003.1015E – 1905 Mission Street

Project Sponsor/Contact: Warner Schmalz, Forum Design **Telephone:** (415) 252-7063

5/S

905 Mission Street
Block 3553, Lots 027, 028, 029, and 030
San Francisco



San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the library

The proposed project involves the construction of an approximately 34,369-gross-sq-ft, 50-foot-tall residential building, which would contain about 26,900 sq ft of ground floor retail use, and 5,000-gsf of garage with 24 parking spaces. The project would include the demolition of three existing commercial buildings. Two of the existing buildings are 4,431 gsf and are located at 1911 Mission Street. The third building is 8,670 sq ft and is located at 1581 15th Street. The approximately 8,670-sq-ft building is at the southeast corner of Mission and 15th Streets (Assessor's Block 3553) in the Mission District. The site is in the NC-3 (Moderate-Scale) height and bulk district, and is in an 80-B height and bulk district.

Member(s), if Applicable: Not applicable.

DOES THE PROJECT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. The project meets the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Cumulative Effect), 15065 (Mandatory Findings of Significance), and 15070 (Declaration), and the following reasons as documented in the Initial Study, which is attached. -Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects: See pages 26 to 29.

Final Mitigated Negative Declaration adopted and issued on May 27, 2004.
In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

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Paul Maltzer
Environmental Review Officer

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Warner Schmalz, Project Sponsor
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2003.1015E



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Telephone: (415) 558-5994

Project Title: 2003.1015E – 1905 Mission Street

Project Sponsor/Contact: Warner Schmalz, Forum Design **Telephone:** (415) 252-7063

Project Address: 1905 Mission Street
Assessor's Block and Lot: Block 3553, Lots 027, 028, 029, and 030
City and County: San Francisco

Project Description: The proposed project involves the construction of an approximately 34,369-gross-square-foot (gsf), 24-unit, five-story, 50-foot-tall residential building, which would contain about 26,900 gsf of residential use, 2,600 gsf of ground floor retail use, and 5,000-gsf of garage with 24 parking spaces. The proposed project would also include the demolition of three existing commercial buildings. Two of these buildings with a total square footage of 4,431 gsf are located at 1911 Mission Street. The third building, consisting of 1,320 square feet (sf) is located at 1581 15th Street. The approximately 8,670-square-foot project site is located at the southeast corner of Mission and 15th Streets (Assessor's Block 3553, Lots 27, 28, 29, and 30) in the Mission District. The site is in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and is in an 80-B height and bulk district.

Building Permit Application Number(s), if Applicable: Not applicable.

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached. -Over-

Mitigation measures, if any, included in this project to avoid potentially significant effects: See pages 26 to 29.

Final Mitigated Negative Declaration adopted and issued on May 27, 2004.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

GOVERNMENT
DOCUMENTS DEPT

Paul Maltzer
Environmental Review Officer

cc. Warner Schmalz, Project Sponsor
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2003.1015E

INITIAL STUDY
2003.1015E – 1905 Mission Street

PROJECT DESCRIPTION

The approximately 8,662-square-foot (sf) project site is located at the southeast corner of Mission and 15th Streets on Assessor's Block 3553, Lots 27, 28, 29, and 30. The block is bordered by Mission, 15th, Capp, and 16th Streets (Figure 1, page 2). The proposed project involves construction of a five-story, 34,369-gross-square-foot (gsf) residential building with retail use at the ground level, and the demolition of three existing one-story, commercial buildings (Figure 2, page 3). The project site is in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and an 80-B height and bulk district.

The existing uses on the project site include a vacant 2,796-square-foot lot on the corner of 15th and Mission Streets; a one-story, approximately 4,431-gsf, vacant, wood frame commercial structure (formerly Spencer's Car Radio) on Mission Street, which consists of two buildings under one roof; and a one-story, approximately 1,320-gsf, masonry building occupied by RB Roofing Company on 15th Street. The project site currently provides three to four off-street parking spaces.

The proposed five-story, 50-foot-tall, approximately 34,369-gsf structure would contain 24 residential units, 2,600 gross square feet of retail use on the ground floor and 24 off-street parking spaces that would utilize an automatic lift system on the ground floor and basement levels. The project would provide one bicycle parking space. Spread concrete footings and grade beams are proposed for the foundation system. The project would also involve the excavation of an approximately 85 by 55 foot pit that would be six feet deep to accommodate a proposed car lift system. Approximately 1,050 cubic yards of material would be removed from the site. The ground floor of the proposed building would contain garage parking, a lobby, retail space and a laundry room (Figure 3, page 4). The second floor would contain two one-bedroom residential units, and four two-bedroom units, 1,529 gsf of common space and 618 gsf of private space (Figure 4, page 5). The third through fifth floors would each contain two one-bedroom and four two-bedroom units (Figure 5, page 6). The roof would contain approximately 1,450 gsf of private open space and 500 gsf of common open space (Figure 6, page 7). Figure 7 on page 8 shows the north and west elevations of the proposed building. Project construction would take approximately 14 months. The project construction cost is estimated at approximately \$2.5 million. The project sponsor and architect is Forum Design Ltd.

PROJECT SETTING

The project site is located in the Mission district, one block north of the 16th and Mission Street BART Station. The site is zoned NC-3 (Moderate-Scale Neighborhood Commercial District), and is in an 80-B height and bulk district. The immediate area surrounding the project site is a mix of commercial and residential uses. Retail uses in the project block include Walgreens Drug Store, Burger King restaurant, a bar, a market and a roofing company. Directly behind the site on Capp Street is the Marshall Elementary School. Adjacent to the project site on the south are two 14-unit, four-story residential buildings. Buildings in the vicinity are generally two to four stories in height.



Figure 1
Project Location

Not To Scale

Source: MapQuest

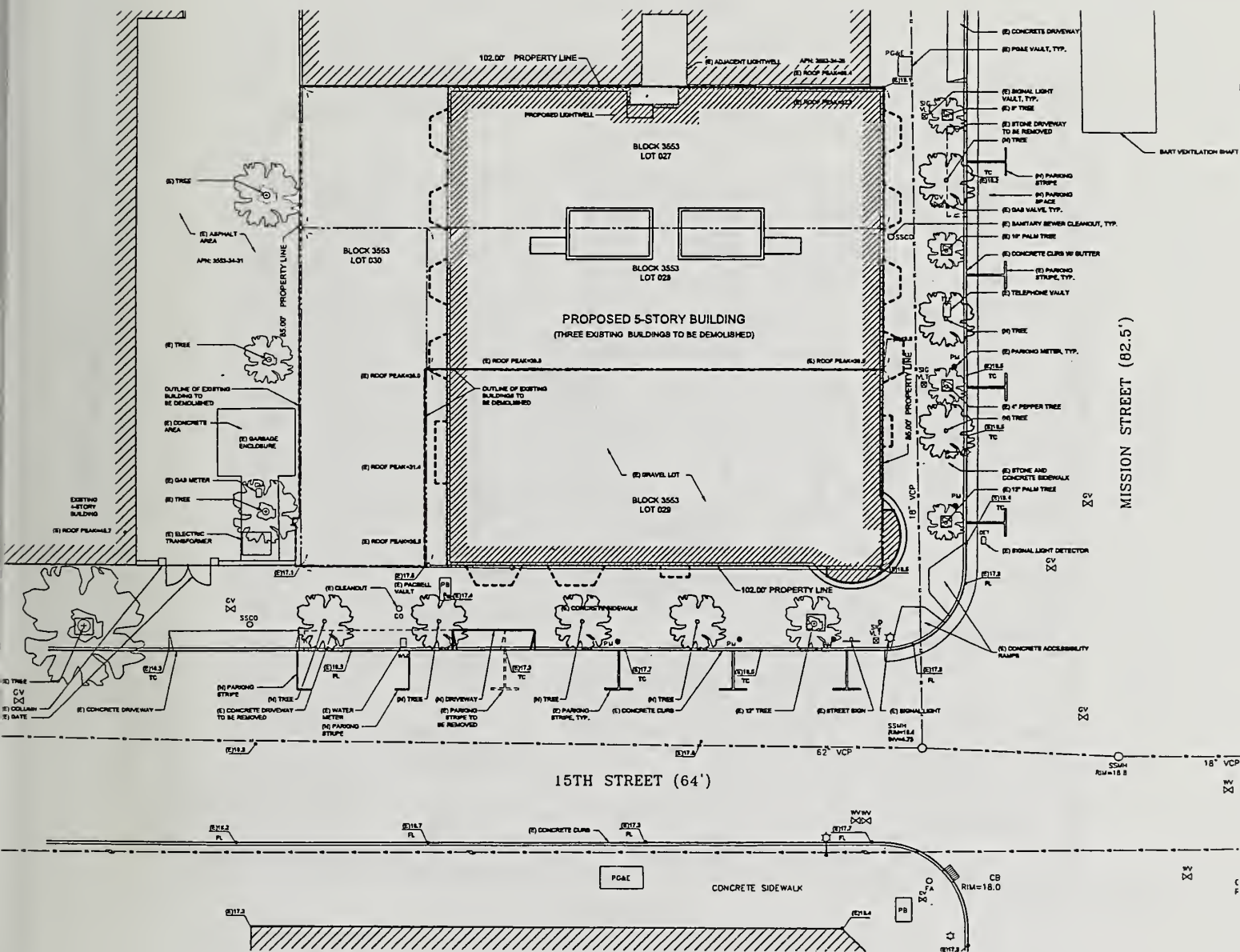


Figure 2
Site Plan

Not to Scale

Source: Forum Design Architects

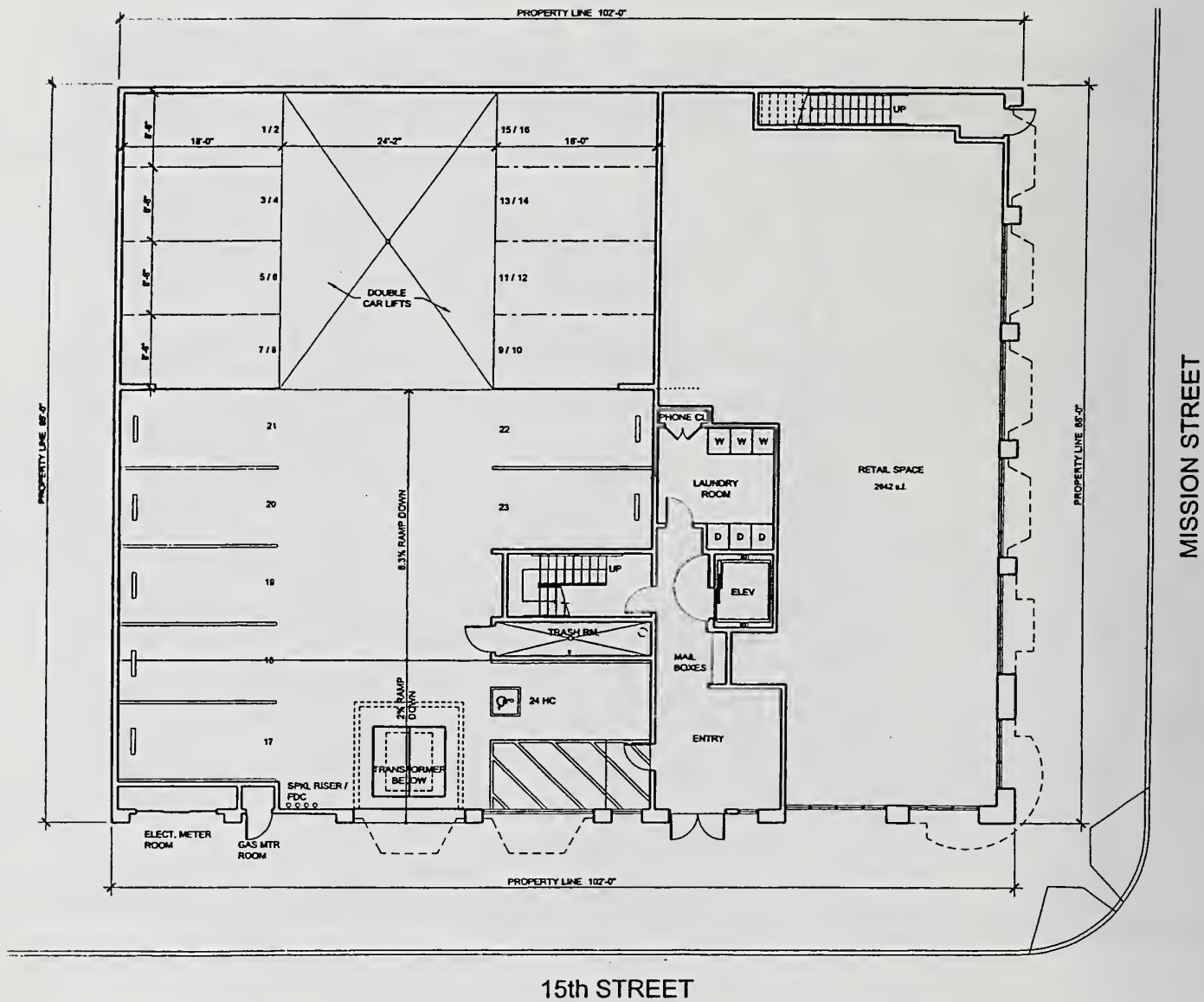


Figure 3
Ground Floor Plan

Not to Scale

Source: Forum Design Architects

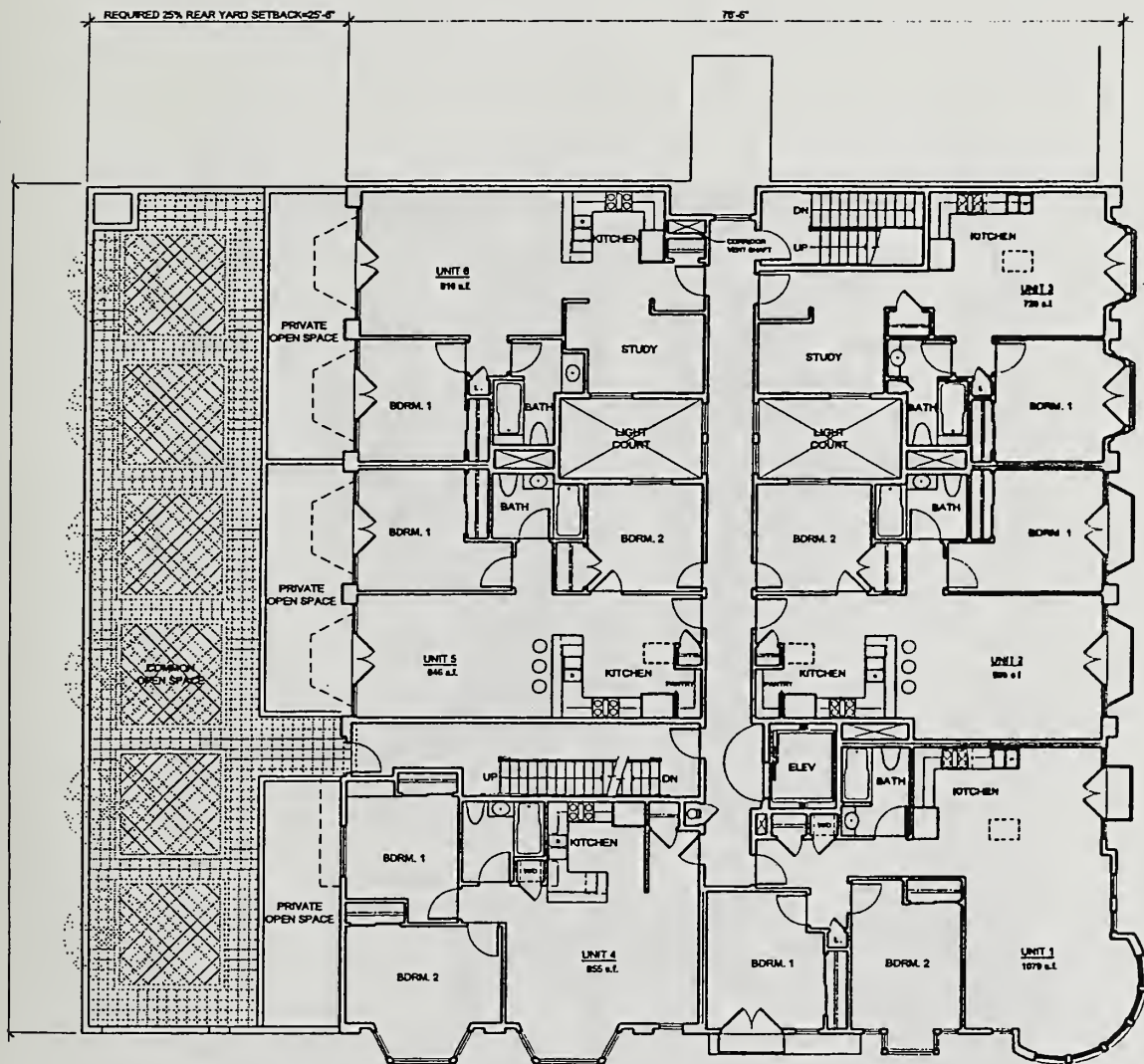


Figure 4
Second Floor Plan

Not to Scale

Source: Forum Design Architects

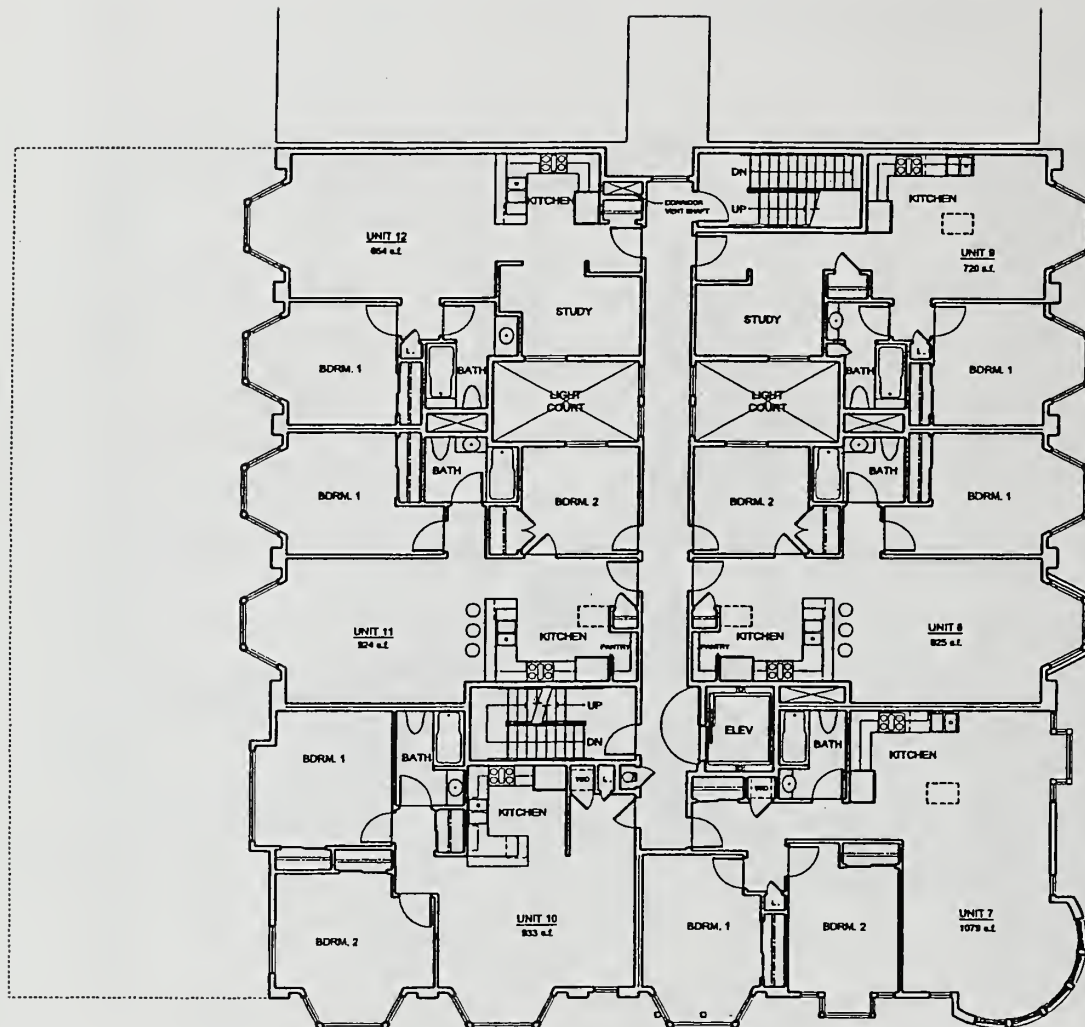


Figure 5
Typical Floor Plan

Not to Scale

Source: Forum Design Architects

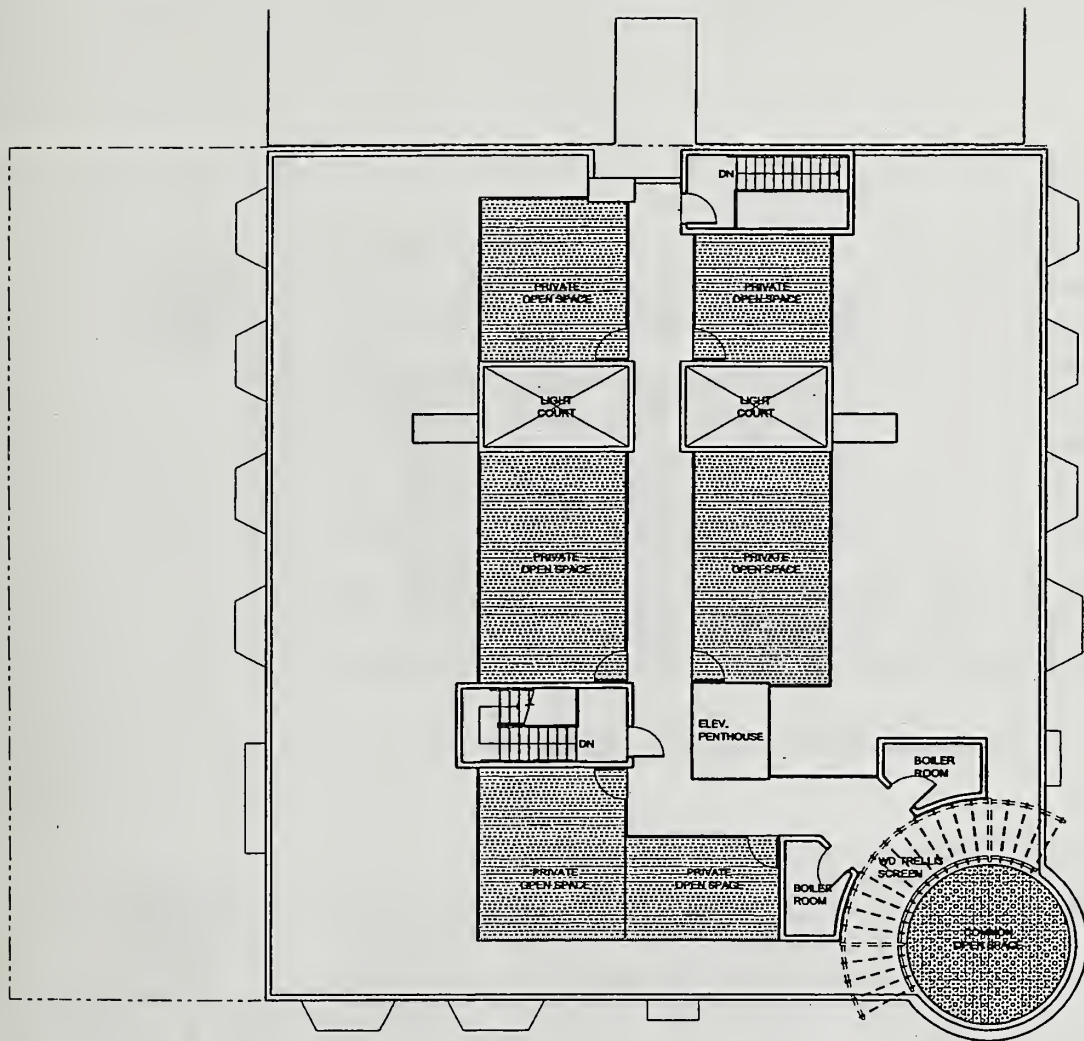


Figure 6
Roof Plan

Not to Scale

Source: Forum Design Architects



NORTH ELEVATION (15TH STREET)



WEST ELEVATION (MISSION STREET)

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS

Not
Applicable Discussed

- 1) Discuss any variances, special authorizations, or changes proposed to the City Planning Code or Zoning Map, if applicable.
- 2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.

— X
— X

The *San Francisco Planning Code*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed project conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*.

The proposed residential and commercial uses are permitted uses in the Moderate-Scale Neighborhood Commercial District. The NC-3 zoning district allows one unit per 600 square feet, which for the site would be 14.45 units. However, the *San Francisco Planning Code*, Section 207.4, Density of Dwelling Units in Neighborhood Commercial Districts, states that the dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio not to exceed the number of dwelling units permitted in the nearest residential district. The nearest residential district to the project site is RC-4 (Residential-Commercial Combined: High Density), which allows one unit per 200 square feet, or 43.35 units maximum. The proposed project includes construction of a total of 24 units on the project site, which would be allowed under Section 204.7. Two of the 24 units would be affordable to qualifying households, which would meet the affordable housing requirement under *Planning Code* Sections 315.3(a)(2) and 315.4(a)(2). The proposed project would include one off-street parking space for each dwelling unit, which would meet the parking requirement under *Planning Code* Section 712.94. The project would also provide one bicycle parking space as required by *Planning Code* Section 155(j). No loading spaces would be required under Section 152 of the *Planning Code*, and none are proposed. The proposed project is in an 80-B height and bulk district, which per Section 270 of the *Planning Code*, limits maximum dimensions above the 50-foot height to 110 feet in length and 125 feet diagonally. The proposed structure would be 85 feet in length and 114 feet diagonally. The proposed project would comply with all other relevant *Planning Code* requirements.

Environmental plans and policies are those, like the Bay Area Air Quality Management District's *1997 Clean Air Plan*, which directly address environmental issues and/or contain targets or standards, which must be met in order to preserve or improve characteristics of the City's physical environment. The current proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The *San Francisco General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project would not obviously or substantially conflict with any such policy. In general, potential conflicts with the *General Plan* are considered by decision makers independently of the environmental review process, as part of the decision whether to approve or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: (1) preservation

and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character; (3) preservation and enhancement of affordable housing; (4) discouragement of commuter automobiles; (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of earthquake preparedness; (7) landmark and historic building preservation; and (8) protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the *General Plan*, the City is required to find that the proposed project or legislation is consistent with the Priority Policies.

In late 2001, the Planning Commission directed the Planning Department to initiate the Eastern Neighborhoods community planning process. The purpose of this process is to address the broad range of issues involved in formulating permanent controls on the City's last remaining industrially zoned lands and its surrounding residential and commercial neighborhoods. The Planning Department worked collaboratively with the residents, businesses, developers, developers, and organizations in the community planning areas of Eastern Neighborhoods to develop rezoning proposals that achieve both neighborhood and citywide land use goals. In early 2002, the Planning Department initiated a series of what became four to seven public workshops per neighborhood. Through the year-long process of public workshops, participants discussed how the area's industrially zoned land should be used in the future. One of the goals of this process was to develop a new set of zoning regulations for the broader Mission District, including the project site. In February 2003, the Planning Department published *Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook – First Draft*.¹ Three rezoning options for housing in industrially zoned land are presented for each area: (A) Low Housing Option, (B) Moderate Housing Option, and (C) High Housing Option.

In proposed zoning alternative options (A), (B), and (C) the proposed zoning designation for the project site is Neighborhood Commercial Transit, which is intended to maximize residential and commercial uses on major transit streets. This district would encourage public transit while reducing dependence on cars. Some ground floor commercial activity would be required to increase foot traffic and create a dynamic pedestrian environment. The goal of this district is a convenient, attractive neighborhood with shops and restaurants on the ground floor, and housing above. Residential is a permitted use in the Neighborhood Commercial Transit zoning district.

The Planning Commission's consideration of the options for each neighborhood can refine these options or develop new ones using ideas presented in the overall spectrum of options. Ultimately, the main options for each neighborhood will be forged into a proposed rezoning for the Eastern Neighborhoods, a comprehensive effort consistent with the San Francisco General Plan. The adopted option would revise the existing Planning Code.

On February 12, 2004, the Planning Commission adopted interim policies for SOMA, NEMIZ of the Mission and Showplace Square and approved initiation of interim controls for the Mission exempting NEMIZ. As the interim zoning controls have not yet taken effect (and there is some question as to whether this particular site is within the boundaries of the NEMIZ for purposes of the interim zoning controls), the interim policies are in effect in both the NEMIZ and non-NEMIZ area of the Mission. Under the interim policies, the site is in a Housing/Mixed Use Overlay. The Commission in its discretion can apply the interim policies to projects under development in the area. The

¹ San Francisco Planning Department, *Community Planning in the Eastern Neighborhoods: Rezoning Option Workbook (First Draft)*. February 2003.

Housing/Mixed Use Overlay policies are for areas with appropriate residential amenities, transit, and infrastructure, allowing for maximum densities and providing 20% or more of the housing units with two or more bedrooms and producing a maximum of one parking space for each unit, regardless of configuration (tandem, stacked, valet, underground, etc.).

At this time, it is not known whether the project site or its vicinity will undergo any change in zoning as a result of the community-based planning process. Therefore, this Initial Study must evaluate the proposed project in terms of its relationships to the existing zoning controls and in terms of its potential impact on the existing environmental setting. However, it also takes into account the Housing/Mixed Use Overlay that the Commission, in its discretion, may apply to the site.

B. ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist have been checked "No," indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked "Discussed," indicating that the Initial Study text includes discussion about that particular issue. For all of the items checked "No," without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's *Transportation Impact Analysis Guidelines for Environmental Review*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1) <u>Land Use</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Disrupt or divide the physical arrangement of an established community?	<u>—</u>	<u>X</u>	<u>X</u>
(b) Have any substantial impact upon the existing character of the vicinity?	<u>—</u>	<u>X</u>	<u>X</u>

Under the proposed project, three existing buildings would be demolished, and a five-story plus basement, approximately 34,369-gsf residential building with retail use and off-street parking at the ground level would be constructed on the project site. The current uses on the project site are commercial; therefore site use would change. The project site is located in an area with both residential and commercial uses, and is adjacent to and across the street from four-story residential buildings with commercial uses on the ground floor. The addition of residential uses on the project site would not be considered a substantial, physical land use change to the area. In addition, residential use on the project site would be consistent with the Housing/Mixed Use Overlay contained in the interim policies.

Land use impacts are considered to be significant if the proposed project would disrupt or divide the physical arrangement of an established community, or have a substantial impact upon the existing character of the vicinity. The proposed project would not disrupt or divide the physical arrangements of existing uses and activities that surround it. Those surrounding uses and activities would continue on their own sites and would interrelate with each other as they do presently, without disruption from the proposed project. The proposed size, scale, and density of the building

project would fit within the existing height limit and allowable residential density for the site. The proposed residential and commercial uses would be consistent with the prevailing residential and commercial land uses and character in the vicinity.

The area immediately surrounding the project site consists of buildings that generally range from two to four stories, with four-story buildings prevailing in the block that contains the project site. The proposed building would be five stories in height and about 50 feet tall. This building height would be ten feet taller than the four-story building bordering it to the south, but would be consistent with the size and character of structures in the area. The proposed project would have no substantial effect upon the character of the area. Overall, effects related to land use would not be significant.

2) <u>Visual Quality</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Have a substantial, demonstrable negative aesthetic effect?	<u>—</u>	<u>X</u>	<u>X</u>
(b) Substantially degrade or obstruct any scenic view or vista now observed from public areas?	<u>—</u>	<u>X</u>	<u>X</u>
(c) Generate obtrusive light or glare substantially impacting other properties?	<u>—</u>	<u>X</u>	<u>X</u>

Design and aesthetics are by definition subjective, open to interpretation by decision makers and members of the public. A proposed project would therefore be considered to have a significant adverse effect on visual quality only if it would cause a substantial and demonstrable negative change, such as construction of an industrial facility in a pristine, natural area. The proposed project would not cause such a change.

Building heights in the project block generally range from one to four stories, although the majority of the buildings in the project block are two to four stories. The proposed five-story building would be about 50 feet tall, approximately 30 feet taller than the existing building on the project site and 10 feet taller than the immediately adjacent buildings on Mission Street to the south and west. The residential buildings on Mission Street between 15th and 16th Streets are four stories of residential use over ground floor retail, and are approximately 40 feet tall. At five stories, the proposed project would be taller than the adjacent and some nearby buildings. While this may be perceived as negative by some, the proposed project would be consistent with the visual character of the neighborhood, and with the 80-B height and bulk district. The proposed project would not have a substantial, demonstrable negative aesthetic effect within its urban setting because of its consistency of use and scale with other buildings in the immediate vicinity of the project site.

There is no existing public scenic view or vista available from the project site or its vicinity; therefore, the proposed project would not block or degrade any existing public scenic views or vistas. The proposed building would not generate obtrusive light or glare because the proposed uses would not generate substantially more light or glare than do the existing residential uses in the area. Furthermore, the project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass.

In view of the above, the proposed project would not result in a significant effect with regard to Visual Quality.

3) <u>Population</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Induce substantial growth or concentration of population?	—	<u>X</u>	<u>X</u>
(b) Displace a large number of people (involving either housing or employment)?	—	<u>X</u>	<u>X</u>
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	—	<u>X</u>	<u>X</u>

The San Francisco Bay Area is known for its agreeable climate, open space, recreational opportunities, cultural amenities, a strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support a strong demand for housing in San Francisco. Providing new housing to meet this strong demand is particularly difficult because the amount of land available is limited, and land and development costs are relatively high.

During the period of 1990-2000, the number of new housing units completed citywide ranged from a low of about 380 units (1993) to a high of about 2,065 units (1990) per year. The citywide annual average over that 11-year period was about 1,130 units.²

In March 2001, the Association of Bay Area Governments (ABAG) projected regional needs in the Regional Housing Needs Determination 1999-2006 allocation. The jurisdictional need of the City through 2006 is 20,372 dwelling units, or an average need of 2,716 net new dwelling units per year. The proposed project would add up to 24 residential units to the City's housing stock, helping meet this need.

Based on the household density factor of 2.52 persons per unit for Census Tract 201, the proposed development would house up to about 60 people.³ Currently there are no residential units on the site. The increase in numbers of residents on the project site would not substantially increase the area-wide population, and the resulting density would not exceed levels that are common and accepted in high-density urban areas such as San Francisco. Therefore, the project's population increase would not be a significant effect.

The commercial structure at 1911 Mission Street has been vacant for three years. The building at 1581 15th Street is occupied by a roofing company, which has one employee on site from 9 AM to 5 PM. Four other employees are in the field during the day. The roofing company, which is currently looking for a new location, would be displaced by the project. This would not be considered a significant loss of employment in San Francisco, which has a total employment of about 628,860.⁴

In view of the above, the proposed project would not have an adverse significant effect on population.

² San Francisco Planning Department 2003. *Residence Element Update – Final Draft for Public Review*, Table I-23, p. 40. September 18.

³ U.S. Census Bureau. Profile of General Demographic Characteristics: 2000. Census Tract 201, San Francisco County, California.

⁴ Data from Association of Bay Area Governments, *Projections 2000*, located at <http://www.abag.ca.gov/abag/overview/pub/p2000>. The employment number (about 628,860) used for San Francisco was extrapolated from the following information: the total employment projected for San Francisco in year 2020 is about 731,660 employees, and employment growth projected from 2000-2020 is about 102,800.

4) <u>Transportation/Circulation</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	—	<u>X</u>	<u>X</u>
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	—	<u>X</u>	<u>X</u>
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	—	<u>X</u>	<u>X</u>
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	—	<u>X</u>	<u>X</u>

The project site is located on the southeast corner of Mission and 15th Streets on the block bounded by Mission, 15th, Capp, and 16th Streets. Mission Street is a north-south street adjacent to the project site, with two lanes in each direction. On-street metered parking is provided along both sides of the street in the project area, except on the west side of Mission Street between Duboce Street and 14th Street, where unmetered parking spaces, with a one-hour limit, are provided. Major intersections on Mission Street are controlled by traffic signals. This street continues north and east toward downtown San Francisco, and to the south toward Daly City.

Fifteenth Street is one-way westbound, with two travel lanes, in the project area; it carries two-way traffic east of South Van Ness Avenue and west of Guerrero Street. On-street metered parking is provided on both sides of the street east of Valencia Street. West of Valencia Street, unmetered, residential permit parking district spaces are provided on both sides of 15th Street. Major intersections on 15th Street are controlled by traffic signals.

Within the project vicinity, Mission and 16th Streets are designated in the Transportation Element of the *San Francisco General Plan* as Transit Preferential (Primary Transit/Transit Oriented) Streets. On these streets, primary priority is given to transit vehicles over autos during commute and business hours on weekdays, usually along the curbside lanes. South Van Ness Avenue and 13th/Duboce Streets are designated in the Transportation Element as Major Arterials, which the General Plan defines as “cross-town thoroughfares whose primary function is to link districts within the City and to distribute traffic from and to the freeways.” The above-designated major arterials also are part of the Congestion Management Program (CMP) Network and the Metropolitan Transportation System (MTS) Streets, Highways, and Freight Network. Other designations in the Transportation Element are as follows: Mission Street is a Transit Conflict Street; 16th, Valencia, and Guerrero Streets are Secondary Arterials; Valencia and Market Streets are Citywide Bicycle Routes; Mission and Market Streets are part of the Citywide Pedestrian Network; and Mission, Valencia, 16th and Market Streets are Neighborhood Commercial Pedestrian Streets.

Traffic

Based on the trip rate for residential and commercial use in the Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed 34,369 gross square feet of residential and retail use would generate approximately 610 daily person-trips, including about 73 daily person-trips during the p.m. peak hour. These 73 p.m. peak-hour person-trips would be distributed among various modes of transportation, including about 34 automobile person-trips, 22 transit trips, 14 walking trips, and 3 trips by other means, which include bicycles and motorcycles. (Mode split data for residential use were obtained from the 2000 Census “Journey to Work” figures.)

The proposed project would generate 21 p.m. peak-hour vehicle trips. This traffic estimate does not take into account the trips generated by the existing commercial use on the project site. Thus the reported trip generation is overstated.

The estimated project-generated increase of 21 vehicle trips during the p.m. peak hour would not be considered a substantial traffic increase relative to the existing capacity of the local street system. The change in traffic in the project area as a result of the proposed project would be undetectable to most drivers. Furthermore, the actual net increase of p.m. peak-hour trips associated with the proposed project would be less than stated because existing trips were not taken into account, and because the immediate project vicinity is so well served by transit. The proposed project would add a small increment to the cumulative long-term traffic increase on the local roadway network in the neighborhood and to other land use and development changes in the region.

Transit

The proposed project would generate about 22 p.m. peak-hour transit trips, which would be distributed among the public transit lines providing service to the vicinity of the project site. This minor addition to the transit system would not have a substantial or noticeable impact upon transit services in the project area or affect transit operations. The project site is well served by public transit, with both local and regional service provided nearby. There are seven Muni lines (14-Mission, 14L-Mission Limited, 22-Fillmore, 26-Valencia, 33-Stanyon, 49-Van Ness/Mission, and 53-Southern Heights) with stops within two blocks of the project site. Additional transit services are available via connecting Muni lines.

Regional transit service to the project site is provided to and from the Peninsula by SamTrans buses that run along South Van Ness Avenue, one block east of the site, and to and from the East Bay by BART at the 16th Street station, located at the 16/Mission Street intersection one block from the project site. BART links downtown San Francisco, Daly City, the San Francisco Airport, and southern areas of San Francisco with the project area.

Parking

A 2001 inventory of existing on-street parking supply within a two-block radius indicated that there were approximately 1,495 parking spaces.⁵ About 63% of the spaces are unmetered, and 37% are metered. There are two public off-street parking facilities (one surface lot and one garage) within this same two-block area, providing 275 off-street parking stalls. During the weekday mid-afternoon period, most of these spaces are occupied. According to Section 151 of the *Planning Code*, Table 151, 24 off-street parking spaces would be required for the residential component of the proposed project; no off-street parking would be required for the retail use. The project would provide 24 off-street parking spaces, which would meet *Planning Code* requirement. Of these 24 parking spaces, seven spaces would be independently accessible, 16 spaces would be independently accessible using mechanical lifts, and one accessible van handicap space would be provided. The proposed project would provide one bicycle parking space per *Planning Code* Section 155(j), which requires one bicycle space for each 20 off-street parking spaces provided. Based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, the proposed project would create a parking demand of about 49 daily spaces. Given that the proposed project would provide 24 parking spaces, the proposed project would have an unmet parking demand of 25 daily spaces. The unmet parking demand estimate,

⁵ Environmental Science Associates. 1886 Mission street Residential Building, Case No. 2000.1164!. October 26, 2001. This document is available for review by appointment at the Planning Department, 1660 Mission Street, San Francisco.

however, is likely overstated because, as indicated by Census tract data, about half of people in this area either walk or take transit to their destination.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project site is conveniently located to provide alternatives to automobile use. As discussed above, the project site is within walking distance of numerous Muni transit lines, as well as the 16th Street BART station and SamTrans that provide regional and local transit services.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably address potential secondary effects.

Loading

The *Planning Code* does not require off-street loading for retail use of less than 10,000 sf, or for less than 100,000 gsf of residential use. The proposed project, which contains a 2,600 gsf of retail use and 31,769 gsf of residential use, would not require or provide a loading space.

Pedestrian and Bicycle Conditions

Pedestrian entrances to the proposed building would be on 15th Street for the lobby of the residential component of the project, and on the corner of 15th and Mission Streets for the retail store. Pedestrian flows would not change

substantially with the proposed residential and retail uses. Any change would be accommodated on the local sidewalks, and would not result in safety concerns. Valencia Street (Route 45), which is two blocks away, and Market Street (Route 50) are designated as Citywide Bicycle Routes in the Transportation Element. Another designated bicycle route in the area is 14th Street (Route 30). Valencia and Market Streets have a striped bicycle lane on both sides of the street. Fourteenth Street has a striped bicycle lane on the south side. The proposed project would not interfere with bicycle accessibility or create hazardous conditions for bicyclists. The proposed project would be required to provide one bicycle parking space, and one has been included in the project.

Construction Impacts

During the projected 14-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. The construction schedule would be approximately 7:30 p.m. to 4:30 p.m. weekdays and Saturday. Most deliveries would be in the morning hours. Temporary parking demand from construction workers' vehicles and impacts on local intersections from construction worker traffic would occur in proportion to the number of construction workers who would use automobiles. The maximum number of truck trips per day during the construction period would be 25-30. The maximum number of workers on site at any one time would be 25-30, which would occur during the finishing of the interior and exterior. The contractor who would construct the proposed building has offices in the building at 1919 Mission Street, and workers would normally park their cars there. During the six months when construction activity would be at a peak, workers would use street parking on 15th Street. Mission Street and 15th Street would require construction barricades to protect pedestrians. From time to time, the project sponsor may request closure of a traffic lane to accommodate certain types of deliveries. Lane and sidewalk closures are subject to review and approval by the Department of Public Works (DPW). Although construction workers may have to circulate on streets in the vicinity of the project site to find available parking, the anticipated parking deficit would not substantially change the capacity of the existing street system or alter the existing parking conditions in the area.

In summary, the proposed project would not have a significant impact regarding of Transportation/Circulation.

5) <u>Noise</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Increase substantially the ambient noise levels for adjoining areas?	<u>—</u>	<u>X</u>	<u>X</u>
(b) Violate Title 24 Noise Insulation Standards, if applicable?	<u>—</u>	<u>X</u>	<u>X</u>
(c) Be substantially impacted by existing noise levels?	<u>—</u>	<u>X</u>	<u>X</u>

The urban setting of the project area includes numerous potential sources of noise. Based on published scientific acoustic studies, the traffic volumes in a project area would need to approximately double to produce an increase in ambient noise levels noticeable to most people in the area. Given that the proposed development would not cause a doubling in traffic volumes, the traffic generated by the proposed project would not cause a noticeable increase in the ambient noise level in the project vicinity.

The proposed project would include mechanical equipment, such as air conditioning units and chillers, which could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the

San Francisco Police Code. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, effects related to operational noise would not be significant.

Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects. The Department of Building Inspection would review the final building plans to insure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission. The proposed uses on the project site would not result in a substantial increase in noise during operation.

Construction of the proposed project would temporarily increase noise in the site vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. There may be times when noise could interfere with indoor activities in nearby commercial uses adjacent to the project site. Noise impacts could be intermittently disruptive or annoying to persons nearby; however, they would be temporary in nature and limited to the period of construction.

All construction activities would be required to comply with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 decibels (measured as dBA; a unit of measure for sound where "A" denotes use of the A-weighted scale, which simulates the response to the human ear to various frequencies of sound) at a distance of 100 feet from the source; (2) impact tools must have intake and exhaust mufflers that are approved by the Director of the Department of Public Works to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of the Department of Public Works authorizes a special permit for conducting the work during that period. Compliance with the Noise Ordinance is required by law and would reduce any construction noise-related impacts to a less-than-significant level.

For the reasons above, noise from the proposed project would not be considered a significant environmental impact.

6) <u>Air Quality/Climate</u>	- Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a)	Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	—	<u>X</u>	<u>X</u>
(b)	Expose sensitive receptors to substantial pollutant concentrations?	—	<u>X</u>	<u>X</u>
(c)	Permeate its vicinity with objectionable odors?	—	<u>X</u>	—
(d)	Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	—	<u>X</u>	<u>X</u>

Air Quality

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring detailed air quality analysis. These thresholds are based on the minimum size of projects that the District considers capable of producing air quality problems due to vehicular emissions. The project would not exceed this minimum standard.

Therefore, no significant air quality impacts due to vehicular emissions would be generated by the proposed development.

During construction, air quality could potentially be affected for short periods. The movement of soils to excavate the foundation and grade the project site, while minimal, would create fugitive dust and emit criteria pollutants as a result of diesel fuel combustion. The criteria pollutants or precursors to criteria pollutants are: nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), hydrocarbons (HC), and particulate matter with a diameter of less than 10 microns (PM₁₀). Fugitive dust is made up of particulate matter including PM₁₀.

Construction emissions would occur in short term and temporary phases, but could still cause adverse effects on local air quality. The BAAQMD, in its CEQA Guidelines, has identified a set of feasible PM₁₀ control measures for construction activities. In order to reduce the quantity of dust generated during site preparation and construction, the project sponsor has agreed to implement Mitigation Measure 1, identified on page 26. With implementation of this measure, construction air quality impacts would be reduced to a less-than-significant level.

Shadows

Section 295 of the San Francisco Planning Code was adopted in response to Proposition K (passed in November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year-round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the City Planning Commission finds the impact to be insignificant. To determine whether this project would conform to Section 295, a shadow fan analysis was prepared by the Planning Department.⁶ This analysis concluded that there would be no shadow impact from the proposed project on any property protected by Section 295.⁷ Therefore, the proposed project would not result in any significant shadow impacts.

Wind

Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The proposed project would increase the height on the project site by approximately 40 feet to a height of approximately 50 feet. The proposed project would not result in a structure that would be substantially taller than nearby buildings. Therefore, the proposed project would not result in adverse effects on ground-level winds.

⁶ A copy of the shadow fan analysis is available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, as part of Case No. 2003.1015K.

⁷ Ben A. Fu 2003. Letter to Warner Schmalz. November 3.

7) <u>Utilities/Public Services</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Breach published national, state or local standards relating to solid waste or litter control?	—	<u>X</u>	—
(b) Extend a sewer trunk line with capacity to serve new development?	—	<u>X</u>	—
(c) Substantially increase demand for schools, recreation or other public facilities?	—	<u>X</u>	—
(d) Require major expansion of power, water, or communications facilities?	—	<u>X</u>	<u>X</u>

The proposed project is on a site that is currently served by fire, police, schools, solid waste, collection, recreational facilities, water, gas, and electricity. The proposed project would increase demand for and use of public services and utilities on the site, but not in excess of amounts expected and provided for in this area. The proposed building would be designed to incorporate water-conserving measures, such as installing low flush toilets, as required by San Francisco Building Code.

San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem may be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project-generated demand for electricity would be negligible in the context of overall demand within San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental effect.

8) <u>Biology</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	—	<u>X</u>	<u>X</u>
(b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	—	<u>X</u>	<u>X</u>
(c) Require removal of substantial numbers of mature, scenic trees?	—	<u>X</u>	<u>X</u>

The project site is covered completely by existing buildings and concrete. There are no sensitive trees or other vegetation on the site. No rare, threatened, or endangered species exist on the project site or surrounding properties. The project site is in a developed urban area and does not support or provide habitat for any rare or endangered wildlife.

species, animal or plant life or habitat, nor would it interfere with any resident or migratory species. Therefore, there would be no significant impact on biological resources.

9) <u>Geology/Topography</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction).	—	<u>X</u>	<u>X</u>
(b) Change substantially the topography or any unique geologic or physical features of the site?	—	<u>X</u>	<u>X</u>

The *San Francisco General Plan* Community Safety Element contains maps that show areas of the City subject to geologic hazards. The project site is located in an area subject to ground shaking with moderate damage (level VIII) along the San Andreas Fault and with nonstructural damage (level VII) along the Northern Hayward Fault and other faults in the San Francisco Bay Area (Maps 2 and 3 of the Community Safety Element). The project site is also located in or adjacent to an area of liquefaction potential, in a Seismic Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology (Map 4 of the Community Safety Element). For any development proposal in an area of liquefaction potential, the Department of Building Inspection (DBI) will, in its review of the building permit application, require the project sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act. The report would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazards(s). The project site is not in an area subject to landslide, tsunami run-up, or reservoir inundation hazards (Maps 5, 6, and 7 in the Community Safety Element).

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

The project sponsor has stated that the new foundation would consist of spread concrete footings and grade beams. The proposed project would require the excavation of pit for parking cars on car lifts. The excavation would be approximately 85 feet by 55 feet by 6 feet deep. Approximately 1,050 cubic yards of material would be removed from the site. The proposed project would not otherwise alter the topography of the site.

In view of the above, the proposed project would not have a significant effect related to Geology/Topography.

10) <u>Water</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Substantially degrade water quality, or contaminate a public water supply?	—	<u>X</u>	<u>X</u>
(b) Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge?	—	<u>X</u>	<u>X</u>
(c) Cause substantial flooding, erosion or siltation?	—	<u>X</u>	—

The project would not substantially degrade water quality or contaminate a public water supply. All sanitary wastewater from the proposed building, and stormwater runoff from the project site would continue to flow into the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. During operations, the proposed project would comply with all local wastewater discharge requirements. Therefore, the proposed project would not substantially degrade water quality.

The project site is completely covered by the existing building and paved surface parking lot. The project would not change the amount of impervious surface area, and would not measurably affect current runoff or groundwater. Therefore, neither groundwater resources nor runoff and drainage would be adversely affected. Overall, the proposed project would not have a significant adverse impact on water quality or supply.

11) <u>Energy/Natural Resources</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	—	<u>X</u>	—
(b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	—	<u>X</u>	—

The proposed project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. For this reason, it would not cause a wasteful use of energy, and the proposed project's effects on energy consumption would not be significant.

12) <u>Hazards</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	—	<u>X</u>	<u>X</u>
(b) Interfere with emergency response plans or emergency evacuation plans?	—	<u>X</u>	<u>X</u>
(c) Create a potentially substantial fire hazard?	—	<u>X</u>	<u>X</u>

No Phase I Environmental Site Assessment has been prepared for the project site. The existing structures on the project site were originally constructed as industrial buildings in 1907. Because of the age of the existing buildings, they may contain asbestos and lead-based paint, which are discussed below.

Lead-Based Paint

Lead paint may be found in the existing building, which is proposed for demolition as part of the project. Demolition must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Chapter 36 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (these structures are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the Department of Housing and Urban Development (HUD) Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance also includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party must provide written notice to the Director of the Department of Building Inspection of the location of the project; the nature and approximate square footage of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or nonresidential, owner-occupied or rental property, approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead-Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures established by the San Francisco Building Code would ensure that potential impacts associated with lead-based paint disturbance during construction activities would be reduced to a level of insignificance.

Asbestos

Asbestos-containing materials may be found within the existing structure on site which is proposed to be renovated or demolished as part of the project. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance

with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation when a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material are required to file a Hazardous Waste Manifest which details the hauling of the material from the site and the disposal of it. Pursuant to California law, the DBI would not issue the required permit until the applicant has complied with the notice requirements described above.

These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

Fire Hazards

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions. The proposed project would conform to these standards, which (depending on building type) may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hillside development, hydrant water pressure, and emergency access) would be mitigated during the permit review process

In view of the above, the proposed project would have no significant impacts related to Hazards.

13) <u>Cultural</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study?	—	<u>X</u>	<u>X</u>
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	—	<u>X</u>	<u>X</u>
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	—	<u>X</u>	<u>X</u>

Archeological Resources

Factors considered in determining the potential for encountering archaeological resources include the location, depth, and the amount of excavation proposed, as well as any existing information about known resources in the area. Construction of the proposed project would involve demolition of three existing buildings. The entire site is covered with concrete. The proposed project site may be archaeologically sensitive for prehistoric and Mexican Period historical archaeological resources. It is near the former Mission lagoon (one source has most of the site within the lagoon), which would mean it is a possible candidate for an ethnographically known but not yet identified Native American village. The archaeology report for the Central Freeway retrofit project identified the area north of this site as prehistorically sensitive and a Native American site with a historic component was recently discovered. Similarly, a number of Mexican Period adobes were located in the vicinity of the project site, so there is the possibility for archaeological remains from this period.⁸ The project would require at least six feet of excavation for the car lift and then additional deeper soils disturbance for concrete footings and grade beams foundations. There is no information about soils disturbance from previous activities like basements, but since the site is composed of four lots, it is not likely that basements covered the entire site. Because the potential for a significant effect is unknown, the project sponsor has agreed to implement Mitigation Measure 2 on pages 27-29 to avoid any potential adverse impacts on accidentally buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c).

Architectural Resources

The existing three industrial structures on the project site were built in 1907. The façade of the two structures at 1911 Mission Street are covered with painted redwood plywood that was installed in 1985. The brick parapet was braced with metal on all four sides in 1993. In view of these and other changes, it has been determined that the architectural integrity of the buildings has been compromised by alterations, and none of the buildings are listed on any adopted architectural surveys.⁹ Therefore the demolition of these buildings would not be considered a significant impact on architectural resources.

⁸ Randall Dean. Memo to File 03.1015E – 1905 Mission Street Archaeological Sensitivity. October 10, 2003. A copy of the memo is available for review by appointment at the Planning Department, 1660 Mission Street, Suite 500, as part of Case No. 2003.1015E.

⁹ Memorandum from Moses Corrette, Citywide Planner, San Francisco Planning Department to Nannie Turrell, Environmental Planner. February 25, 2004.

C. <u>OTHER</u> - Could the Project:	<u>YES</u>	<u>NO</u>	<u>DISCUSSED</u>
Require approval and/or permits from City Departments other than Department of City Planning or Bureau of Building Inspection, or from Regional, State or Federal Agencies?	—	<u>X</u>	—

Neighborhood Notice

A notice of project receiving environmental review was sent out on November 6, 2003 to potentially interested parties. One response was received from the resident of a building on the west side of Mission Street, who expressed concern about the height of the proposed building. As described on page 11, at five stories the proposed structure would be one story or ten feet taller than most of the buildings in the project block, and views currently available from the roof of his building would be blocked by the proposed project. Another resident of the same building expressed support for the project.

D. <u>MITIGATION MEASURES</u>	<u>YES</u>	<u>NO</u>	<u>N/A</u>	<u>DISCUSSED</u>
1) Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	—	—	<u>X</u>
2) Are all mitigation measures necessary to eliminate significant effects included in the project?	<u>X</u>	—	—	<u>X</u>

Mitigation Measures

The following mitigation measures have been adopted by the project sponsor and are necessary to avoid potential significant effects of the project.

Mitigation Measure 1 - Construction Air Quality

The project sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand, or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.

Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor shall require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Mitigation Measure 2 - Archaeological Resources

Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of *construction* can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:

The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;

The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of

the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

E. MANDATORY FINDINGS OF SIGNIFICANCE**YES****NO****DISCUSSED**

- 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
- 2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?
- 3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.)
- 4) Would the project cause substantial adverse effects on human beings, either directly or indirectly?

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The proposed project is consistent with all applicable zoning controls. While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

F. ON THE BASIS OF THIS INITIAL STUDY

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.
- X I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because Mitigation Measures 1 and 2 in the discussion above have been included as part of the proposed project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Paul Maltzer
Environmental Review Officer
for
Gerald G. Green
Director of Planning

February 25, 2004
DATE

RECEIVED
MAR 23 2004
PLANNING DEPT

MISSION ANTI-DISPLACEMENT COALITION

Fax: 558-5991

December 17, 2003

Received March 19, 2004.

Jonathan Pervis
Planning Department
1660 Mission Street 5th fl
San Francisco CA 94103

RE: 1905-1911 Mission Street, 1581 15th Street Preliminary Negative Declaration

Dear Ms. Navarrete:

The Mission Anti-Displacement Coalition (MAC) hereby provides comments on this project as it relates to the upcoming CEQA analysis, and it appeals the proposed negative declaration for this project.

The contact person for this appeal is:

Richard Marquez
Mission Agenda
2940 16th Street, Suite 204,
San Francisco CA 94103
415.436.9707

MAC's comments are as follows:

1. Cumulative Impacts. There should be a thorough discussion of cumulative impacts of past, existing and proposed development in the surrounding area. There should be a discussion cumulative business and job displacement from the Mission as a result of the explosion of dot.coms and live/work uses. A list of all dot.com/business service uses, live/work, office projects allowed in the Mission since 1995. Also, in addition to the project at hand, there are at least three other proposed projects for the area that would bring significant amount of residents and visitors to the area, and would create a strong shift in land uses in the area from light industrial to housing. There should be a strong cumulative context and analysis for this project.
2. Consistency with Existing Policies and Procedures. The CEQA document for this project should include a clear description of the proposed project's consistency with existing policies and procedures. At minimum, this information should describe the appropriateness of these project in the context of the NEMIZ resolution, the interim controls, and the current planning process for the Eastern Neighborhoods. Special attention should be paid to development alternative B for the Mission's planning process.

THIS PROJECT, LIKE OTHERS RECENTLY APPROVED BY THE CITY, UNDERMINES THE REZONING PROCESS. There should be a discussion of the effect of large sites being unilaterally changed to a use which has not been discussed in a PLANNING, as opposed to project approval, context. The wave of conversions to dot coms/business service uses in the NEMIZ and on Mission Street, plus the explosion of live/work, plus the approval of large office complexes such as Bryant Square, have already resulted in massive displacements of Mission residents, businesses, community services and arts uses.

3. Impacts on Businesses. The project analysis should clearly identify the project's direct and potential impact on light industrial businesses in the area. As conversion of uses is shifted from PDR to housing and other uses, there is less space available for these types of business. Additionally, as a particular parcel is shifted to a use with a higher return on investment, there is a domino effect for other parcels to be converted away from PDR. This is a significant, direct impact that should be carefully considered.
4. Additional Information on Building Height and Bulk is Required. From the current information that is available on the project, it is difficult to understand the height and bulk for the proposed structure and how it fits in within existing regulations.

It is difficult to identify the potential shadow/wind impacts of the proposed project without this information. The project sponsor should include specific information on heights for each of the structures. Then, there should be a thorough review of shadow and wind impacts on the surrounding properties.

5. Compatibility with Surrounding Uses. The project should address how the project's proposed uses are compatible with the surrounding land uses. The area immediately adjacent to the site is dominated by small-scale light industrial uses. There is substantial automotive repair and parts uses in the immediate vicinity, particularly on 14th Street. The North Mission serves a citywide role in auto repair. THIS IS IMPORTANT GIVEN PLANNING RESTRICTIONS ON WHERE SUCH USES MAY BE LOCATED. If such uses continue to be run out of the Mission by encroachment of incompatible uses, there are fewer and fewer areas to which they can relocate. Except out of San Francisco. Please describe the compatibility of the proposed project with the adjacent PDR uses and its direct impact of displacement.
6. Impacts on Housing. The project should analyze the project's potential impact on housing, and in particular, affordable housing. It is important that this area of the north Mission is a crucial resource of low-income housing, much of which is in SROs. The proposed project could be a jarring market-rate disruption which will further residential displacement in the north Mission. The issue of and mechanisms for preservation of affordable housing in the NEMIZ are under consideration. This project will negate those efforts by creating massive "facts on the ground" without even attempting to be consistent with community goals.

There thorough explanation of housing policies as they are set out in the Housing Element, particularly as they pertain to resources and availability of affordable housing sites. The NEMIZ is a potential substantial resource for affordable housing use, but this site is being dedicated to mostly market rate housing. There should be a discussion of how many market rate units and the type of those units (no. of bedrooms) have been added in the Mission, particularly in the NEMIZ, in the past decade against the policies of the Housing Element.

7. Transportation Issues. There should be an expansive explanation of transportation policies as they relate to Mission Street and BART stations. There is a high priority for transit use in this

immediate area, but this project includes a huge garage and will generate significant auto traffic. Mission Street is a key Muni bus corridor. Busses are already impeded with double parked cars and trucks. "Butterfly" generates significant nighttime double parking on the block north of 14th Street. If there is a large restaurant in this building, those impacts will be increased. Mission Street busses do not have the usual 9 to 5 commuter pattern. They are used heavily throughout the evening hours and it is not unusual to have crowded busses at 9 or 10 at night

8. Urban Design. There should be a clear description of urban design issues. There are bulk limits and both the existing armory and the proposed project violate them. This is almost the totality of the west side of the 1800 block of Mission. What is the impact on urban design to have a one-story wall all around the proposed project. The cumulative effect will be chilling to pedestrians -- and perhaps climatically as well. Is there an analysis of wind patterns with two such monolithic buildings on when the winds come pouring down into the Mission from the west?

Please feel free me, if you have any comments/questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Marquez", with a long horizontal flourish extending to the right.

Richard Marquez

For Mission Anti-Displacement Coalition



**TRANSPORTATION
FOR A LIVABLE CITY**

RECEIVED

MAR 23 2004

PLANNING DEPT

March 18, 2004

Received March 19, 2004

TO:

Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
1660 Mission St., Suite 500
San Francisco, CA 94103

FROM:

Jeremy Nelson
Policy Director, Transportation for a Livable City
1095 Market St., Suite 402
San Francisco, CA 94103

RE: TLC recommendations for amendment of the Preliminary Mitigated
Negative Declaration (PMND) for 1905 Mission Street (Case No. 20031015E)

Dear Mr. Maltzer:

Transportation for a Livable City (TLC) is a community-based policy and advocacy organization dedicated to improving San Franciscans' quality of life by promoting more sustainable and equitable transportation and land use policies. We work for public policy that creates greater transportation choices, reduces traffic congestion and automobile conflicts with pedestrians, bicyclists, and transit vehicles, and provides more affordable housing. We work closely with the thousands of members of the San Francisco Bicycle Coalition, City CarShare, Housing Action Coalition, Walk San Francisco, and Rescue Muni.

TLC does not agree with the Planning Department's conclusion in its Initial Study that this project would not significantly affect the environment and that only a PMND is required. We believe that by providing 1:1 off-street parking in an area that a) is well-served by transit (1 block from the 16th & Mission BART station and along the Muni 14 line), b) has a high incidence of bicycling and walking via several designated routes in the City's bicycle and pedestrian networks, and c) has an adequate supply of on-street parking, this will in fact have significant negative transportation impacts on the quality of the environment for pedestrians, bicyclists, and transit passengers. We would therefore request that the Planning Department prepare a full Environmental Impact Report (EIR). Our reasons for

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making this request are the described in the following recommended amendments to the PMND for 1905 Mission Street (Case No. 20031015E):

- Section A (bottom p9): By providing dedicated off-street parking for every unit, this project violates the fourth 'Priority Principle' of Section 101.1 of the Planning Code, namely the "Discouragement of commuter automobiles." Numerous studies have shown that the availability of parking at home and at work are the primary factors that people consider on deciding whether to commute to work by car. When the parking supply is limited, people tend to leave their cars at home and commute to work by other modes. This impact could be mitigated by providing less off-street automobile parking.
- Section A (middle of p10): The proposed zoning designation for this site (as described in the *Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook – First Draft*) is 'Neighborhood Commercial Transit', a zoning designation which is intended to "encourage public transit while reducing dependence on cars." Providing 1:1 parking for this project does not conform to the stated goal of this zoning designation and will result in increased car use and reduced transit use by residents for the reasons described above. In addition, pedestrians, bicyclists, and transit vehicles will be impeded by the additional car traffic generated by this project. These impacts could be mitigated by providing less off-street automobile parking.
- Section B.4, Traffic (bottom of p14): The PMND states "The proposed project would add a small increment to the cumulative long-term traffic increase on the local roadway network in the neighborhood...". This provides a basis for requiring an EIR, per Section E.3 of the PMND which requires that the proposed project does not have "environmental effects which are individually limited, but cumulatively considerable" and directs the Planning Department to "[a]nalyze [these effects] in light of past projects, other current projects, and probable future projects." Future development planned for 1880 Mission Street (at 15th Street) includes 225 parking spaces and the proposed redevelopment of the Armory building at 14th and Mission Streets includes upwards of 125 parking spaces. Considering this project in the aggregate with these other projects shows that approximately 375 parking spaces could be developed along this one block of Mission Street. As stated above, excessive parking serves as an incentive to drive and induces additional traffic congestion, which will cause further delays to transit vehicles in the area and degrade the safety of the transportation infrastructure for bicyclists. I invite the Planning Department to do some additional field work as part of their environmental analysis by riding the Muni 14 or trying to cross the street in this area during rush hour and considering the cumulative negative impacts of adding nearly 400 more cars to this street in terms of increased delays to transit passengers and reduced safety for bicyclists and

pedestrians. These impacts could be mitigated by providing less off-street automobile parking.

- Section B.4, Parking (middle of p15): The PMND notes that there is an abundant supply of on-street parking within a 2 block radius of the proposed project (nearly 1,500 spaces) and the vast majority of these spaces (nearly 2/3rds) are unmetered. In addition, the PMND notes that there are two public parking facilities with 275 spaces within the same 2 block radius. With so much free and below market parking in the area, there is no need provide 1:1 parking in this area, and all the negative impacts of doing so could be mitigated by providing less off-street parking and instituting a new on-street parking permit district in the project area to guarantee residents adequate parking.
- Section B.4, Pedestrian and Bicycle Conditions (bottom of p16): The PMND states that “the proposed project would not be required to provide bicycle facilities or bicycle parking spaces, and [so] none are planned for the project.” Our reading of Section 155.1 of the Planning Code leads us to believe that 1 space is required for every 20 parking spaces provided for residential projects.
- Section B.4, Pedestrian and Bicycle Conditions (bottom of p16): The PMND concludes that the proposed project “would not interfere with bicycle accessibility or create hazardous conditions for bicyclists.” However, a project which provides zero (or even 1 as required by Code) bicycle parking spaces while providing traffic-inducing off-street parking spaces at a ration of 1:1 despite being located in close vicinity to several designated Citywide Bicycle Routes (Valencia and Market Streets) and streets with striped bicycle lanes (Valencia, Market, and 14th Streets), does in fact negatively impact the access and safety of bicyclists and should be mitigated. These impacts could be mitigated by providing less off-street automobile parking and more bicycle parking.
- Section B.12.a (p22): By providing 1:1 parking, does in fact create a potential public health hazard through an increased risk of vehicle collisions for transit passengers, pedestrians, and bicyclists. This also violated Section E.4 (p29) of the PMND, which requires that the proposed project would not “cause substantial adverse effects on human beings, either directly or indirectly.” As stated above, the cumulative effects of adding nearly 400 more cars to will certainly have a negative impact on the quality of the local environment for transit passengers, pedestrians, and bicyclists as well endanger the public health and public safety of local residents. These impacts could be mitigated by providing less off-street automobile parking.

Thank you for your consideration of our position. If you have any questions about our position, please feel free to call me at 425-9848.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeremy Nelson', with a stylized, flowing script.

Jeremy Nelson
Policy Director, Transportation for a Livable City

Cc:

Jonathan Purvis, San Francisco Planning Department
Dave Snyder, Executive Director, Transportation for a Livable City

EXHIBIT A

APPEAL: Project File No. 2003.1015E – 1905 Mission Street
Residential Development, Retail Use, and Parking Facilities
Preliminary Mitigated Negative Declaration published on February 28, 2004

PLANNING DEPARTMENT RESPONSES TO CONCERNS

INTRODUCTION

An environmental evaluation application (2003.1015E) was filed on behalf of New California Land Company and Mark Nelson Development LLC on September 24, 2003, for a proposal at 1905 Mission Street to demolish three existing commercial buildings and construct a 24-unit, five-story plus partial basement building containing 26,900 square feet (sf) of residential space, 2,600 gsf of ground floor retail, and 5,000 sf of garage with 24 parking spaces. The project site is located in an NC-3 (Moderate-Scale Neighborhood Commercial) and an 80-B height and bulk district. A Preliminary Mitigated Negative Declaration (PMND) analyzing the potential environmental effects of the proposed project was published on February 28, 2004. A letter appealing the PND was filed on March 19, 2004 by Richard Marquez on behalf of The Mission Anti-Displacement Coalition. A letter of comment was also received from Jeremy Nelson, Policy Director of Transportation for a Livable City. Concerns raised in the appeal letter and comment letter are responded to below. Additionally, where appropriate, revisions have been made in the PMND to address comments received. In the amended PMND, new text is underlined and deleted text is indicated by strikeout. None of the revisions have resulted in any changes in the analysis or conclusions of the PMND.

APPEAL LETTER

CONCERN #1: The Appellant contends that the PMND should contain a discussion of the cumulative impacts of job displacement in the Mission, and the shift in land use in the area from light industrial to housing. The Appellant requests a listing of all dot.com, business service uses, live/work, office projects approved in the Mission since 1995, including projects currently proposed for the area.

RESPONSE #1: The limited supply of land available for production, distribution and repair (PDR) uses is a concern of the Planning Department being addressed through the Eastern Neighborhoods community planning process. This is a legitimate issue for land that is zoned for industrial uses, and will be analyzed and evaluated in an environmental impact report that will be prepared for the Eastern Neighborhoods. However, the project site is not zoned for industrial use. Rather it is zoned NC-3, Moderate Scale Neighborhood Commercial, which is intended for commercial and residential use. City policy has long recognized the Northeast Mission Industrial Zone (NEMIZ) as a largely industrially zoned and utilized area. However, within the broader NEMIZ area, City policy has also generally identified a smaller area known as the Industrial Protection Zone (IPZ) within the northeast portion of the NEMIZ as the area appropriate for industrial preservation and promotion. The project site is not located in the IPZ. It has therefore been allowed under various policies and interim controls to be considered by the Planning Commission for mixed uses, including housing and commercial. PDR and IPZ areas are further removed to the east. Cumulatively, PDR displacement would not likely extend greatly beyond boundaries west and south of the site, as it is already predominantly residential and mixed commercial. On February 12, 2004, the San Francisco Planning Commission adopted interim policies that apply the Housing/Mixed Use Overlay to the project site and surrounding area.

The list of projects requested by the Appellant is not necessary for a CEQA analysis of the potential physical environmental effects of the proposed project on an NC-3 zoned site. As stated in the PMND, the proposed

project would change the land use on the project site from PDR use to residential and commercial uses. The changes in land uses on the sites are not considered a significant impact for a number of reasons. Residential, commercial and retail uses are principally permitted uses in the NC-3 zoning district, and the proposed use and structure would not be substantially or demonstrably incompatible with the existing variety of the residential, commercial, office and light industrial uses in the project area. Given the mixed-use setting of this area, land use changes would not be significant. The Appellant has not presented evidence that the proposed project would cause a significant environmental effect with regard to land use.

CONCERN #2: The Appellant contends that the PMND does not contain a clear description of the proposed project's consistency with existing policies and procedures, and the Appellant states that the PMND should describe the project in terms of the NEMIZ resolution, the interim controls, and the current planning process for the Eastern Neighborhoods, including Alternative B as described in the *Zoning Options Workbook of Community Planning in the Eastern Neighborhoods*.¹ The Appellant states that the proposed project undermines the rezoning process.

RESPONSE #2: The proposed project conforms to both existing zoning, and draft zoning contained in the *Zoning Options Workbook of Community Planning in the Eastern Neighborhoods*, which is described on page 10 of the PMND. Existing zoning for the project site is NC-3 (Moderate-Scale Neighborhood Commercial). NC-3 Districts are intended to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, while also providing convenience goods and services to the surrounding neighborhood.² NC-3 districts are linear and located along heavily trafficked streets, which also serve as major transit routes. Buildings typically range from two to four stories although some structures are taller. Building standards allow moderately large commercial uses and buildings, and housing development in new buildings is encouraged above the second story.³ Residential use is a principally permitted use in the NC-3 districts. As the PMND states on page 9, a maximum of 43 units would be allowed on the project site, per San Francisco Planning Code, Section 207.4. The proposed project includes 24 dwelling units, and 2,600 gsf of commercial space on the ground floor, and conforms to all adopted Planning Code requirements.

The project also conforms to the draft rezoning options, which were developed as a result of the Eastern Neighborhoods community planning process. This process is described on page 10 the PMND. One of the goals of this process was to formulate controls on the City's last remaining industrially zoned lands and surrounding residential and commercial neighborhoods. The eastern neighborhoods include the Mission District. The Planning Department published a draft Rezoning Options Workbook for the eastern neighborhoods in February 2003. The Workbook considers three rezoning options for each community planning area. The difference between the options is the range between housing and production/distribution/repair jobs.⁴ The PMND states on page 10 that under all of the draft rezoning options, the project site would be designated Neighborhood Commercial Transit, which is intended to maximize residential and commercial uses on major transit streets. The goal of this district is a neighborhood with retail uses on the ground level and housing above. The proposed project conforms to these goals.

The chronology of the zoning in the area of the proposed project includes the following:

¹ San Francisco Planning Department. *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook – First Draft*. February 2003.

² City and County of San Francisco. *Planning Code*, Section 712.1. Revised February 2004.

³ Ibid.

⁴ San Francisco Planning Department. *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook – First Draft*. February 2003.

On December 15, 1994, Planning Commission passed Resolution No. 13794 – Adopting a policy to protect a portion of the M-1 District in the Northeast Mission Industrial Zone (NEMIZ) as an “Industrial Promotion/Protection Zone” (IPZ) to protect it from service and commercial activities. It identified the NEMIZ area. The project site is not within the boundaries of the NEMIZ or IPZ, although it was adjacent to the eastern edge of the NEMIZ boundary, and three and one-half blocks from the IPZ boundary. On July 6, 2001, the Board of Supervisors passed Resolution No. 518-01 – Adopting Interim Controls regulating uses in the Mission District with a larger boundary (Guerrero Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway), which prohibits office use in excess of 1,500 square feet unless it is “community service,” which is defined as “a non-retail use which includes executive, technical, management, clerical, and administrative support for the provision of social, health, housing, employment, legal, cultural, or arts services to the general public, principally to persons who earn 60% of the Area Mean Income (AMI). The project site is within the boundaries of the Interim Controls. On November 2, 2001, the Board of Supervisors passed Resolution No. 841-01—Adopting Interim Controls with amendments for the Mission District. These controls, which expired on July 7, 2003, were an extension of the above Resolution 518-01 with some minor changes and clarifications. The proposed project would have been consistent with these controls with one exception. As proposed, the project would have required a conditional use authorization for providing less than 25% of its units as affordable housing.

On February 12, 2004, the Planning Commission adopted interim policies for SOMA, NEMIZ of the Mission and Showplace Square and approved initiation of interim controls for the Mission exempting NEMIZ. As the interim zoning controls have not yet taken effect (and there is some question as to whether this particular site is within the boundaries of the NEMIZ for purposes of the interim zoning controls), the interim policies are in effect in both the NEMIZ and non-NEMIZ area of the Mission. Under the interim policies, the site is in a Housing/Mixed Use Overlay. The Commission in its discretion can apply the interim policies to projects under development in the area. The Housing/Mixed Use Overlay policies encourage residential projects that maximize housing densities and provide 20% or more of the units with 2 or more bedrooms and light and medium PDR uses. The PMND has been amended on pages 10 and 11 to include a discussion of the adopted interim policies.

Although it is unknown at this time whether any change in zoning may be developed for the project site and vicinity, the proposed project conforms to all of the draft zoning options that have been presented. The PMND evaluates the proposed project in terms of its relationship to existing zoning controls, and in terms of potential impacts on the existing environmental setting. However, it also takes into account the Housing/Mixed Use Overlay that the Commission, in its discretion, may apply to the site.

CONCERN #3: The PMND should clearly identify the project’s direct and potential impact on light industrial uses in the area.

RESPONSE #3: The PMND describes the displacement of the existing on-site business on page 13. As stated in the PMND, the proposed project would change land use on the site from commercial/PDR to residential and retail. As noted, this would not be considered a substantial loss of employment in the City of San Francisco. The changes in land use on the project site would not be considered a significant impact for a number of reasons. Residential use is a principally permitted use in the NC-3 District, and the proposed use and structure would not be substantially or demonstrably incompatible with the existing variety of residential, commercial, office, and light industrial uses in the project area. Light industrial uses are not intended or expected to proliferate within an NC-3 zoning district. Given the mixed-use setting of this area, land use changes would not be significant, and would be compatible with existing uses in the area. For the reasons stated above and in the PMND, the proposed project would not have a significant effect with regard to land use.

CONCERN #4: Additional information of building height and bulk is required. It is difficult to tell whether the project fits within existing regulations. There should be a thorough review of shadow and wind impacts.

RESPONSE #4: In response to the Appellants concerns, the project description on the PMND cover page and page 1 have been revised to include the proposed building height, which is 50 feet tall. The second paragraph on page 9 under Section A. Compatibility With Existing Zoning and Plans has also been amended to include a discussion of the maximum length and diagonal limits allowed for the building on the project site, and includes the proposed height and bulk for the proposed building. With a length of 85 feet (measured at the 50-foot height) and a diagonal dimension of 114 feet, the proposed building is within the maximum bulk dimensions of the 80-B height and bulk district, which are 110 feet in length and 125 feet diagonal. The PMND discusses potential shadow and wind impacts on page 19. A shadow fan analysis was performed by the Planning Department, and concluded that there would be no shadow impact from the proposed project on any property under the jurisdiction of the Recreation and Park Department.⁵ As stated on page 19, the proposed building would not be substantially taller than nearby buildings. At a proposed height of 50 feet, the proposed building would not be substantially taller than the adjacent building on Mission Street and would not result in adverse effects on ground-level winds.

CONCERN #5: Describe the compatibility of the proposed project with surrounding land uses, particularly adjacent PDR uses and the direct impact of displacement.

RESPONSE #5: Project compatibility with surrounding land uses is addressed on pages 11 and 12 of the PMND and in Response to Concern #1 above. The project site is located in a mixed-use neighborhood. Adjacent land uses include residential and an elementary school. Directly north across 15th and Mission Streets are industrial uses. The block that includes the project site includes predominantly retail, residential and institutional uses. The block directly to the east is predominantly residential. Further to the east land uses become increasingly industrial. The block directly to the west of the project site contains institutional and residential uses. North of the project site land use is a mixture of residential and industrial uses. To the south, residential, retail and mixed uses predominate. The proposed project is compatible with surrounding land uses, would not disrupt or divide the established community and would not have a substantial impact upon the existing character of the vicinity.

CONCERN #6: The project's potential impacts on housing, particularly affordable housing should be addressed. "There should be a discussion of how many market rate units and types of those units (no. of bedrooms) have been added to the NEMIZ in the past decade against the policies of the housing element."

RESPONSE #6: The information requested is not necessary or relevant to the legal adequacy of a Negative Declaration, which is intended to analyze potential physical environmental impacts. The Department does not break down the analysis beyond the planning neighborhood districts; therefore, the information requested by the Appellant for the NEMIZ area is not available. However, the information is available for the Mission district. According to the 2000 Census Data, the total number of housing units in the Mission District was 16,821, with 16,232 units occupied.⁶ The Mission District has about five percent of the City's total housing stock. There are currently 389 live/work units in the Mission with another 267 either under construction or in possession of a permit to build.⁷ Almost all of those units are market rate sale or rental units. Information on the number of bedrooms per unit have not been recorded or inventoried by the Department since 1993.

⁵ Letter to Warner Schmalz, Forum Design, from Ben A. Fu, San Francisco Planning Department. November 3, 2003.

⁶ San Francisco Planning Department. Profiles of Community Planning Areas: San Francisco's Eastern Neighborhoods. January 2002.

⁷ Ibid.

The City has adopted an ordinance to require the inclusion of affordable housing in residential development projects and, as stated on page 9 of the PMND, two of the 24 units would be affordable to qualifying households that would meet the affordable housing requirement under Planning Code Sections 315.1(a)(2) and 315.4(a)(4).

CONCERN #7: There should be an expansive explanation of transportation policies as they relate to Mission Street and BART stations. This is a high priority transit use area and the project includes a huge garage, and will generate significant auto traffic. Mission Street is a key MUNI bus corridor and a large restaurant on the site will increase double parking and impact bus traffic.

RESPONSE #7: As the PMND states on page 14, Mission Street and 16th Street are designated in the General Plan as Transit Preferential Streets. The proposed garage would be accessed from 15th Street to avoid traffic conflicts on Mission Street and would be relatively compact, because eight of the proposed spaces would utilize a car lift system. The PMND notes that the project is required to provide 24 spaces per Section 151 of the *Planning Code*. Under the Interim Policies adopted by the Planning Commission on February 12, 2004, there would be no minimum off-street parking requirement for the project site and the maximum number of spaces allowed would be 24.

The San Francisco General Plan contains many citywide policies that encourage the use, improvement, and development of transit throughout the City. Objective 20 states: "Give first priority to improving transit service throughout the City, providing a convenient and efficient system as a preferable alternative to automobile use. The specific policies that support this Objective and relate to the proposed project follow:

- Policy 20.1: Give priority to transit vehicles based on a rational classification of transit preferential streets.
- Policy 20.2: Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.
- Policy 20.6: Provide priority enforcement of parking and traffic regulations on all Transit Streets, particularly Transit Preferential Streets.

The 21 p.m. peak hour vehicle trips generated by the proposed project would be a minor contribution to existing and future cumulative traffic conditions and would not be considered significant. The Appellant speculates that a large restaurant would occupy the 2,600-gross-square-foot retail space on the project site. It is not known what type of retail use would be located in this ground floor space. However, the transportation analysis takes into account traffic reasonably expected to be generated by retail use at the site (see page 15 of the PMND).

CONCERN #8: The PMND should contain a clear description of urban design issues. The proposed project would violate bulk limits. The project would occupy almost the totality of the west side of the 1800 block of Mission Street. What is the impact of having a one-story wall around the proposed project? What would be the impact of two monolithic buildings when winds come pouring down into the Mission from the west?

RESPONSE #8: The Appellant's comment appears to be referring to a different project. As described in Response #4, the proposed project is well within the height and bulk limits permitted for the project site. Height and bulk are discussed in Response #4. There is no one-story wall around the project site. The ground floor of the proposed structure would be designed with a façade appropriate to retail space on Mission Street. As the PMND states on page 19, wind impacts are generally caused by large building masses that are considerably taller than nearby structures, and that are oriented with a large wall with little articulation that

catches prevailing winds. These conditions do not apply to the proposed project. In this case, buildings of similar height surround the proposed building. At 50 feet, the proposed project would not result in adverse effects on ground level winds. Wind conditions partly determine pedestrian comfort on sidewalks and in other public areas. The Department typically does not require wind analysis on buildings of 80 feet and below. It is concluded that the proposed project would not have wind effects because it is not in an area with other tall buildings that could potentially redirect wind flow, and a building of the size of the proposed project (50 feet in height) is not expected to cause wind effects

OTHER COMMENTS

The commenter requests that a full environmental impact report be prepared for the proposed project because the project would provide 1:1 off-street parking in an area that is well-served by transit, has a high incidence of pedestrians and bicyclists, and an adequate supply of on-street parking. Specific reasons for this request are as follows:

- The project would violate the fourth “Priority Principle of Section 101.1 of the Planning Code, “Discouragement of commuter automobiles;”
- The draft zoning designation for this site as described in *Community Planning in the Eastern Neighborhoods Rezoning Options Workbook – First Draft* is Neighborhood Commercial Transit, a designation that is intended to “encourage public transit while reducing dependence on cars.” By providing 1:1 parking the proposed project does not conform to this stated goal and will impede pedestrians, bicyclists, and transit vehicles.
- The PMND does not account for the cumulative impact of the proposed project with development at 1880 Mission Street and the proposed development of the Armory building on traffic congestion and pedestrian and bicyclist safety in the immediate area of the project site. These impacts could be mitigated by providing less off-street parking.
- There is a large supply of on-street parking and two public parking facilities are located in the vicinity of the project site; therefore providing 1:1 parking on the project site is unnecessary. Instituting an on-street parking permit district in the project area would guarantee residents adequate parking.
- The commenter states that 1 bicycle parking space is required for every 20 parking spaces, and therefore the proposed project should supply one bicycle parking space.
- If the proposed project provides less off-street automobile parking and more bicycle parking, the access and safety of bicyclists could be mitigated.
- By providing 1:1 parking and contributing to cumulative traffic conditions, the proposed project creates a potential health hazard, and “would cause substantial adverse effects on human beings, either directly or indirectly.”

Response

The Planning Code requires off-street parking at a ratio of one vehicle for every dwelling unit in the NC-3 zoning district. The interim policies also allow for 1:1 parking as discussed in Response #7. The addition of 21 vehicle trips in the p.m. peak hour would not be a significant impact, nor would the project’s contribution to p.m. peak hour cumulative traffic in the area be considered significant. The increase in p.m. peak hour traffic associated with the proposed project is 21 vehicle trips, which would be less than significant relative to the existing capacity of the local street system. Similarly the project contribution of 22 p.m. peak hour transit trips would not have a substantial or noticeable impact upon transit services in the project area. Access to the proposed project would be from 15th Street, so that transit operations on Mission Street would not be affected by the small amount of traffic generated by the proposed project.

The draft zoning designation, Neighborhood Commercial Transit, for this site, which is described in *Community Planning in the Eastern Neighborhoods Rezoning Options Workbook – First Draft* recommends an off-street parking ratio of .25 to .75 spaces per dwelling unit as principally permitted, and 1:1 with a conditional use authorization. The interim policies adopted by the Planning Commission recommend a maximum of 1:1 parking ratio. Thus, under the interim policies or the draft zoning options the proposed project could be approved with 1:1 off-street parking. The Planning Commission's consideration of these options for the Eastern Neighborhoods may refine these recommendations or develop new ones. Because it is not known whether the project site will undergo zoning changes as a result of the community planning process, the PMND must evaluate the project under current zoning and interim policies, which either require or allow one off-street parking space for each dwelling unit.

As stated on page 15 of the PMND, the proposed project would create a parking demand of 49 daily spaces. Thirty-three of these spaces would be generated by the residential component of the project, and eleven short-term spaces and four long-term spaces would be generated by the retail component. It is not clear from the comment letter why pedestrian and bicycle safety would be enhanced by providing less than twenty-four off-street parking spaces. The PMND notes that Valencia Street and Market Street are designated as Citywide Bicycle Routes and have striped bicycle lanes on both sides of the street, and 14th Street has a striped bicycle lane on the south side of the street. Although the proposed project would add incrementally to traffic in the area, it would not interfere with bicycle accessibility or create hazardous conditions for bicyclists. The entrance to the project site is on 15th Street, which does not have a bicycle lane.

The commenter is correct in stating that the proposed project would be required to provide a bicycle parking space. *Planning Code* Section 155(j) requires one bicycle parking space for every 20 vehicular off-street parking spaces. The proposed project would provide one bicycle space, and the PMND has been amended on pages 1, 9 and 17 to reflect this.

**SAN FRANCISCO PLANNING COMMISSION
MOTION NO. 16793**

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2003.1015E, FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 1905 MISSION STREET.

MOVED, that the San Francisco Planning Commission ("Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On September 24, 2003 pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On February 25, 2004, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On February 28, 2004, a notice of determination that a Preliminary Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Preliminary Mitigated Negative Declaration posted in the Department offices, and mailed to the project sponsor, all in accordance with law.
4. On March 19, 2004, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Richard Marquez, representing the Mission Anti-Displacement Coalition.
5. On May 13, 2004, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
6. On May 6, 2004, amendments were made to the Preliminary Mitigated Negative Declaration, which describe the height, length and diagonal dimensions of the proposed project in the project description; describe the bicycle parking space requirement; and the project's relationship to interim policies adopted by the Commission. Such amendments do not include new, undisclosed environmental impacts and do not change the conclusions reached in the Preliminary Mitigated Negative Declaration. Therefore, recirculation of the Preliminary Mitigated Negative Declaration is not required.

7. A staff memorandum, dated May 6, 2004, has been prepared which addresses and responds to all points raised by the appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. A copy of that memorandum, and the documents and materials which constitute the record of proceedings ("Record") are on file and available for public review at the San Francisco Planning Department, 1660 Mission Street. The custodian of the Record is Linda Avery, Planning Commission Secretary.
8. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the May 13, 2004 Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
9. After consideration of the points raised by appellant, both in writing and at the May 13, 2004, hearing, the Planning Department has reaffirmed its conclusion that there is no substantial evidence that the proposed project could have a significant effect upon the environment.
10. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Commission has had available for its review and consideration all information pertaining to the project in the Department's case file.
11. The Commission finds that its determination on the Preliminary Mitigated Negative Declaration reflects the Commission's independent judgment and analysis.

The Planning Commission HEREBY DOES FIND on the basis of the Record, that there is no substantial evidence that the proposed Project as mitigated, could have a significant effect on the environment, as shown in the analysis in the Record, including without limitation the Preliminary Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration and Attachment A hereto, as prepared by the San Francisco Planning Department on February 28, 2004, and amended on May 6, 2004.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on May 13, 2004.

Linda Avery
Planning Commission Secretary

ACTION: Final Mitigated Negative Declaration Upheld
AYES: Bradford Bell, Antonini, S. Lee, Hughes, Boyd, W. Lee
NOS:
ABSENT:

